IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

Bail Appl..No. 4803 of 2007()

CMP.5871/2007 of J.M.F.C.-I, ALAPPUZHA
CRIME NO.278/07 OF MARARIKKULAM POLICE STATION

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PETITIONER/ACCUSED:

JOSEPH @ VOUVA, S/O. SILVEDIMA,
VALIYATHOPPIL VEEDU, NO.TC.34/805,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.K.HARILAL
SRI.R.GOPAN

RESPONDENTS: COMPLAINANTS:

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
MARARIKULAM POLICE STATION.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4803 of 2007

Dated this the 8th day of August 2007

O R D E R

Application for regular bail. The petitioner was not initially arrayed as an accused. He has subsequently been arrayed as an accused. There is dispute between the Prosecutor and the learned counsel for the petitioner about the rank of the petitioner. The remand report shows that the petitioner is the fifth accused. I shall go by that notwithstanding the submission of the learned Public Prosecutor that the petitioner is the sixth accused. The crux of the allegations raised by the police is that accused 1 and 2 were arrested on 14/7/2007 under suspicious circumstances. Interrogation of those petitioners revealed that an organised activity of sale of foreign made foreign liquor was going on at and near the airport at Thiruvananthapuram. Passengers bringing foreign made foreign liquor are paid and such liquor collected and there is an organised activity of selling such liquor. The petitioner as well as accused 1 and 2 allegedly have important links in such illicit business that was carried on. About 905 litres of foreign made foreign liquor has allegedly

been seized. No seizure has been effected from the petitioner. The petitioner was arrested and continues in custody from 21/7/2007.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner who remains in custody from 21/7/2007 and from whose personal possession no recovery has been effected can now be directed to be enlarged on bail subject to appropriate conditions.

3. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of three months and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007